

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

UNITED STATES OF AMERICA

v.

PORSCHE DENISE DAVIS

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CRIMINAL NO. 9:12-CR-026

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On May 4, 2016, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Porsche Denise Davis. The government was represented by Allen Hurst, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Ken Hawk.

Defendant originally pled guilty to the offense of Possession with Intent to Deliver a Controlled Substance, a Class D felony. The offense carried a statutory maximum imprisonment term of 5 years. The United States Sentencing Guideline range, based on a total offense level of 8 and a criminal history category of III, was 6 to 12 months. On March 27, 2013, District Judge Ron Clark sentenced Defendant to 11 months imprisonment followed by 3 years of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure, testing and treatment for drug abuse, and mental health treatment. On May 24, 2013, Defendant completed the term of imprisonment and began her term of supervised release.

Under the terms of supervised release, Defendant was required to report to the probation officer as directed by the Court or probation officer and to submit a truthful and complete written report within the first five days of each month. In its petition, the government alleges that Defendant violated her condition of supervised release because on August 4, 2014, the probation

officer instructed her to report to the officer in person on August 7, 2014, and she failed to report as instructed.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by failing to report to her probation officer on August 7, 2014, Defendant will have committed a Grade C violation. U.S.S.G. § 7B1.1(a). Upon a finding of a Grade C violation, the Court may (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of III, the Guideline imprisonment range for a Grade C violation is 5 to 11 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the conditions of supervision by committing the acts as alleged in the government's petition. In exchange, the government agreed to recommend to the Court a sentence of 5 months with no additional supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Porsche Denise Davis be committed to the custody of the Bureau of Prisons for a term of imprisonment of 5 months with no additional supervised release to follow. The Court further **RECOMMENDS** that the place of confinement be Carswell. The Court also **RECOMMENDS** Defendant receive credit for time served beginning April 1, 2016.

Defendant has waived her right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to District Judge Michael Schneider for adoption immediately upon issuance.

So ORDERED and SIGNED this 6th day of May, 2016.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE